



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,236	12/17/1999	HADI PARTOVI	22379-701	9914

7590 06/16/2004

WAGNER, MURABITO & HAO LLP  
TWO NORTH MARKET STREET THIRD FLOOR  
SAN JOSE, CA 95113

EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/466,236

Applicant(s)

PARTOVI ET AL.

Examiner

Robert M. Pond

Art Unit

3625

*MLW*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

The Applicant amended the abstract and specification to overcome previously cited objections. The Applicant amended Claims 1, 19, 29, 32, 36, 48, 50, and 52. All pending claims (1-53) were examined in this final Office Action necessitated by amendment.

### ***Response to Arguments***

Applicant's arguments filed 01 April 2004 have been fully considered but they are not persuasive. The Applicant substantially amended the claims. Responses to Applicant's points are noted below.

#### *PR Newswire (Paper #18, PTO-892, Item: UU)*

PR Newswire's direct reference to US 5,710,887 assigned to BroadVision offers sufficient evidence to reference disclosures in US 5,710,887 issued to Chelliah. Chelliah was removed from all rejection statements under 35 USC 103(a) as being redundant.

#### *Voice Commerce (Paper #18, PTO-892, Items: U-X and VV)*

The Applicant argued the collection of prior art as merely being press releases. Voice Commerce teaches a business method. It describes companies joining Nuance to integrate electronic commerce applications with speech recognition to implement voice commerce with expectation of success. Voice

Commerce teaches a natural language speech recognition interface for users to conduct electronic commerce transactions. The press release further teaches BroadVision's role in voice commerce with Nuance. The combination of PR Newswire and Voice Commerce provides sufficient motivation to combine with anticipation of success. It is well within the skill to ascertain that Nuance and BroadVision are compelled to transform user-friendly web browser-based visual presentations and mouse clicks into speaker-friendly understandable audio and speaker-initiated voice requests. For example, the voice command equivalent to clicking on an "order items" icon or button in a web browser would be spoken as "order items" or just "order." The natural language speech recognition interface would recognize the command.

Unconsolidated merchants

The Applicant amended and argued voice commerce being applied to unconsolidated merchants. Chelliah teaches BroadVision's commerce application servicing at least one merchant, an electronic mall with multiple storefronts, and further teaches merchants desiring to retain their legacy electronic storefronts. Examiner's interpretation: multiple single merchants can each implement BroadVision's commerce application or multiple merchants can be aggregated in an electronic mall while each retains independence from other merchant.

*Providing a uniform interface*

Chelliah teaches providing a uniform interface regardless of the merchant's commerce model. Sufficient reference is cited by Chelliah to support merchants desiring to maintain their commerce models while presenting a single interface to the customer. Voice Commerce teaches users simply saying what they want without having to learn to use new technologies or devices (please see U: page 2). Voice Commerce further teaches the application architecture enabling end-users to receive consistent functionality and service through whatever interface they choose, a common set of business rules, application programming interfaces, and transaction middleware. Examiner's interpretation: Uniformity.

*Single Command Model*

Voice Commerce teaches voice commerce applications using natural language speech recognition. Natural language speech recognition moves the speaker away from having to speak in truncated speech patterns. Single word recognition is a subset of natural language speech recognition.

Voice Commerce teaches Voice In/Voice Out involving users in dialogue with commerce applications over a phone with a speech system. Voice Commerce draws out the fact that this application is well suited for transactions that would typically take place using a touch-tone keypad. Chelliah teaches a touch-tone telephone being one of many user interfaces. One of ordinary skill in the art would equate the activation of a single key on the keypad as a single command

based on old and well-known methods (e.g. "Please press 1 if the order is complete").

Official Notice

The Applicant did not traverse the examiner's assertion of official notice or applicant's traverse was not adequate based on the merits of the Official Notice regarding reverse directory lookup. The common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate (MPEP 2144.03(C)).

Well Within the Skill

The Applicant did not traverse the examiner's assertion pertaining to decoding touch-tone telephone signals. The statement is taken to be admitted prior art.

Examiner's Note

The Examiner notes that Applicant argued dependent Claims 2-18, 20-28, 30, 31, 33-35, 37-47, 49, 51, and 53 based on the merits of the amended independent claim being patentable and did not address the merits of the cited prior art teachings.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-3, 5-7, 11-15, 17, 19-21, 23-25, 36, 38, 40, 41, and 45-53 are rejected under 35 USC 103(a) as being unpatentable over PR Newswire (Paper #18, PTO-892, Item: UU), in view of Voice Commerce (a collection of articles cited in Paper #18, PTO-892, Items: U-X and VV, hereinafter referred to as "VM").**

PR Newswire teaches BroadVision being issued US Patent No. 5,710,887 (hereinafter referred to as Chelliah, previously cited in Paper #18, PTO-892) covering its One-to-One electronic commerce application. Chelliah teaches facilitating electronic commerce over the Internet between a plurality of customers, suppliers, and third-party commerce enablers using a variety of communication devices (see at least abstract; Fig. 2 (10); col. 3, line 5 through col. 5, line 3). Chelliah teaches the electronic mall server acting as the storefront server for at least one merchant or connecting to at least one merchant legacy system desiring to retain its proprietary storefront (please note examiner's interpretation: legacy systems act as the second computer system as claimed by the Applicant) (see at least col. 7, lines 53-63). Chelliah further teaches:

- Responsive to purchase requests: electronic mall communicating with a user making product selections and purchases via a user interface capable of reproducing to audio information to a human being (e.g. touch tone telephone); customers initiate Internet-based commerce sessions with an electronic storefront or a variety storefronts via a web server, request product information, purchase requested items, make payments, and provide shipping information for delivery (see at least Fig. 1 (10); col. 3, lines 5-14; col. 6, lines 4-57).
  - Sending a first request to the second computer system over the Internet: through the user interface, a participant program object communicates a request with a sales representative program object or customer monitoring object which is communication with the commerce server and legacy systems (see at least col. 3, lines 29-45; col. 9, line 62 through col. 10, line 5).
  - Receiving a first response from the second computer: through the user interface, a participant program object receives a response from the sales representative program object in communication with the mall server and legacy system (see at least col. 10, line 56 through col. 11, line 3).
  - Providing a confirmation over the user interface: confirms to the customer the order was processed (see at least col. 4, lines 27-29).



- *Sending a second request to the second computer system over the Internet:* through the user interface, a participant program object communicates a purchase request with a sales representative program object or customer monitoring object which is communication with the commerce server and legacy systems (see at least Fig. 7 (170); col. 9, line 62 through col. 10, line 5).
- *Receiving a second response from the second computer:* confirms to the customer through the user interface the purchase request was processed (see at least col. 4, lines 27-29).
- *Providing user profile information:* (see at least col.9, line 62 through col. 10, line 2; col. 12, line 40).
- *Generating receipts:* through the user interface, a participant program object communicates a receipt to the customer (see at least col. 12, line 66 through col. 13, line 3).
- *Selecting a merchant storefront:* customer selects at least one merchant storefront (see at least abstract; col. 3, lines 29-33).
- *Providing selection list:* (see at least col. 3, lines 46-56; col. 12, lines 43-50;
- *Requiring passwords:* (see at least col. 10, lines 27-30).
- *Computer system and means:* (see at least col. 3, lines 30-45); product databases for viewing and comparing items, secure transaction processing, HTML, Internet protocol, participant program object that

contains profile data and demographic data that is used in various phases of a purchase transaction (see at least Fig. 11 (264); col. 9, line 62 through col. 10, line 30; col. 22, lines 9-63).

- *Providing a single command commerce model:*

PR Newswire teaches all the above as noted under the 103(a) rejection, but does not disclose BroadVision's electronic commerce application adapting the user interface to respond to audio purchase requests. VM teaches BroadVision joining the Voice Commerce initiative, electronic commerce applications supporting Voice Commerce applications and architecture, and using a voice interface to conduct voice commerce. VM teaches electronic commerce applications conducting transactions with customers over the Web and over the telephone using natural language speech recognition (U: see at least pages 1-2; W: see at least page 1; V: see at least pages 1-3; X: see pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Chelliah as disclosed by PR Newswire to implement electronic commerce applications for voice commerce via a voice interface using natural language speech recognition as taught by VM, in order to support voice commerce customers requesting merchant product and purchase information, and thereby increase sales for merchants using BroadVision's electronic commerce applications.

- *Receiving audio purchase requests over the telephone interface:*

PR Newswire teaches all the above as noted under the 103(a) rejection and teaches the customer making purchase requests over the Internet using a touch-tone phone as an interface, but does not specifically disclose a telephone interface system. VM teaches all the above as noted under the 103(a) rejection and teaches IVR and telephony platforms (please note: IVR is an acronym for Interactive Voice Response). VM further teaches customer voice interface functionality (e.g. voice in/out, voice in/web or device out) involving dialogue over the phone with a stand-alone speech system or integrated business server with services accessible over the phone or over the Web (U: see at least page 3). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of PR Newswire to disclose a telephone interface system as taught by VM, in order for the electronic commerce applications to receive customer voice requests or to generate voice output to the customers.

- Single Command Model

PR Newswire and VM teach all the above as noted under the 103(a) rejection and teach a) Voice In/Voice Out involving users in dialogue with commerce applications over a phone with a speech system being well suited for transactions that would typically take place using a touch-tone keypad, b) BroadVision's electronic commerce application supporting voice commerce and a touch-tone telephone as one of many user interfaces, and c) commerce applications conducting transactions with customers over the Web and over

the telephone using natural language speech recognition. PR Newswire and VM, however, do not specifically disclose a single command model. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose a single command model, since it is well within the skill to ascertain that natural language speech recognition recognizes a single word and touch-tone telephone commerce systems recognize the activation of a single touch-tone key as a single command.

2. **Claims 4, 22, and 39 are rejected under 35 USC 103(a) as being unpatentable over PR Newswire (Paper #18, PTO-892, Item: UU) and VM (a collection of articles cited in Paper #18, PTO-892, Items: U-X and VV), as applied to Claims 2, 20, and 36, further in view of Official Notice (Paper #18, regarding old and well-known reverse directory lookup services).**

PR Newswire and VM teach all the above as noted under the 103(a) rejection and teach telephony platforms, but do not specifically disclose using a telephone directory for a reverse lookup for identifying information. This examiner takes the position that conducting a reverse directory lookup based on telephone numbers to extract customer identifying information is old and well known in the telecommunications industry. Therefore would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of PR Newswire and VM to include reverse directory lookup as taught by Official Notice, in order to provide another approach to cross-referencing customer

identifying information and thereby offer more convenience and service to the customer.

3. **Claims 8-10, 26-35, 37, and 42-44 are rejected under 35 USC 103(a) as being unpatentable over PR Newswire (Paper #18, PTO-892, Item: UU) and VM (a collection of articles cited in Paper #18, PTO-892, Items: U-X, and VV), as applied to Claims 1, 19, and 36, further in view of Business Wire (Paper #18, PTO-892, Item: WW).**

PR Newswire and VM teach all the above as noted under the 103(a) rejection and teach BroadVision's secure transactions, secure payment systems, and connecting to web servers with web browsers, but do not disclose one or more of HTTP, SSL and HTTPS. Business Wire teaches Internet commerce leader BroadVision using SSL and SET (Secure Electronic Transaction) security protocols. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of PR Newswire and VM to include industry standard security protocols as taught by Business Wire, in order to ensure secure interoperability between commerce systems.

*Pertaining to system Claims 29-35*

System claims are rejected based upon the same rationale as noted above.

4. **Claims 16 and 18 are rejected under 35 USC 103(a) as being unpatentable over PR Newswire (Paper #18, PTO-892, Item: UU) and VM (a**

Art Unit: 3625

**collection of articles cited in Paper #18, PTO-892, Items: U-X, and VV), as applied to Claim 1.**

PR Newswire and VM teach all the above as noted under the 103(a) rejection and teach using a touch-tone telephone as a user interface, but do not disclose decoding touch-tone signals. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose decoding touch-tone signals, since it is well within the skill to ascertain that touch-tone telephones transmit signals that require decoding in order to determine which telephone key has been activated by the user.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,341,264 (Kuhn et al.) 22 January 2002; teach voice commerce application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone

number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

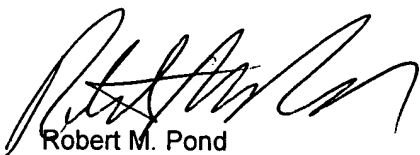
***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**703-872-9306** (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Robert M. Pond  
Patent Examiner  
June 14, 2004